

Ordinance No. 2019-11

**An Ordinance amending Section 1120 of the Minnetonka
City Code, relating to small wireless facilities; amending Section 1120.062;
adding a new Section 1120.063**

The City of Minnetonka Ordains:

Section 1. Subdivision 4 of Section 1120.062 of the Minnetonka City Code is amended to read as follows:

4. Small wireless facility conditions. In addition to conditions imposed under section 1120.060, subdivision 2 and 1120.063, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way is subject to the following conditions:
- a. A small wireless facility must be collocated on the particular wireless support structure, under the attachment specifications and at the height as indicated in the applicable permit application.
 - b. Small wireless facilities must comply with applicable provisions of section 300 of this code, including, but not limited to, separate requirements.
 - c. No new wireless support structure installed within the right-of-way may exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure that exceeds 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
 - d. No wireless facility may extend more than 10 feet above its wireless support structure.
 - e. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the city may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of the structure.
 - f. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of the structure.

Section 2. Section 1120 of the Minnetonka City Code is amended by adding a new section

The ~~stricken~~ language is deleted; the underlined language is inserted.

1120.063 as follows:

Section 1120.063 Wireless Aesthetic Standards

1. Findings.

The City of Minnetonka desires the most advanced and highest quality wireless services available. The city also wishes to minimize the negative impacts associated with wireless facility deployments including small wireless facilities. Such negative impacts may include interference with right-of-way sight lines, aesthetic impacts that are inconsistent with the surrounding area, fall zone and clear zone risks, navigation obstacles, interference with future right of way or transportation improvement plans, interference with the installation or maintenance of public utilities, and increased visual or noise pollution.

The aesthetic standards and requirements in this section are intended to maintain the city's environment while also allowing for the availability of wireless services, including broadband and "5G" services, using small wireless facilities. These standards are intended to establish clear and consistent aesthetic standards for wireless facility placements in public city right of way and to establish a streamlined review and approval process. In addition, these standards seek to minimize unnecessary placement of new wireless support structures in public right of way by encouraging collocation of wireless facilities with other wireless facilities and utilities.

2. Applicability of aesthetic standards. These standards apply to all right-of-way permit applications for placement of wireless facilities on city-owned and non-city-owned wireless support structures or utility poles, and the placement or replacement of wireless support structures in the public right-of-way. Compliance with these standards is a requirement for, and condition of, issuance of a right-of-way permit for a wireless facility. Any installation that does not conform to these standards will be in violation of the associated permit and the city's right-of-way ordinance.
3. Additional requirements. In addition to the following standards, the placement of new support structures for wireless facilities shall be subject to any conditions specified in the right-of-way permit.
4. Aesthetic design standards. The city desires to promote aesthetically acceptable and area conforming wireless facilities using the smallest and least intrusive means available to provide wireless services to the community. All wireless facilities and wireless support structures in the public right-of-way must comply with all applicable provisions in this section.

a. Wireless support structures: All city or privately owned wireless support structures placed within the city shall be of a fully enclosed design such that the maximum amount of facilities, including any wiring, are concealed inside the structure or below ground. All wireless support structures, whether existing, new or replacement wireless support structures, must:

- 1) be constructed of aluminum or steel;
- 2) be the same color as neighboring, similar support structures and of the same design characteristics;
- 3) where constructed as a light pole, luminaire(s) and luminaire arm(s) must match adjacent city lighting standard and must contain an LED fixture in accordance with city specifications.

b. Antennas: Antennas must be top-mounted and concealed within a radome (a structural, weatherproof enclosure that protects an antenna and is constructed of material that minimally attenuates the signal transmitted/received by such antenna) or otherwise concealed to the extent feasible. Cable connections, antenna mounts and other hardware must also be concealed. The radome or other concealment must be non-reflective and painted or otherwise colored to match the wireless support structure.

c. Collocation: Collocations between wireless service providers and with other utilities on the same support structure is required wherever feasible. If an applicant proposes to not collocate in areas where collocation options are or appear to be available, the applicant must document that collocation is infeasible.

d. Concealment: Concealment elements must be incorporated into the proposed design of the small wireless facility installation, and must include approved camouflaging or shrouding techniques.

e. Ground-mounted equipment: Ground-mounted equipment must be installed below grade or, if technically necessary, concealed in a ground-mounted cabinet. In addition to any applicable requirements in this code, ground mounted cabinets must

- 1) be installed flush to the ground;
- 2) be the same color as neighboring, similar support cabinets or other ground-mounted structures;
- 3) not interfere in any way with the flow of pedestrian, bicycle or vehicular traffic when the cabinets adjoin sidewalks, trails, or other similar passageways.

4) conform to the American's with Disabilities Act (ADA) including with respect to appropriate sidewalk spacing; and

5) not create a safety hazard.

f. Lights. Unless otherwise required for compliance with Federal Aviation Administration or Federal Communication Commission regulations, wireless facilities shall not include any lights or lighting. This subsection does not prohibit installations on streetlights or the installation of luminaires or additional street lighting on new support structures if and where required by the city. All wireless support structures must be capable of accommodating street lighting to facilitate future street lighting as may be determined by the city.

g. Location criteria for new or replacement wireless support structures.

1) New support structures: Any new wireless support structures must be placed:

a) a minimum of two lot lines, or approximately 200 feet, whichever is greater, from any existing wireless support structure or utility pole on the same side of the street or right-of-way, and one lot line or approximately 100 feet, whichever is greater when on the opposite sides of the street or right-of-way.

b) at a distance which is the same as the prevailing separation distance among existing wireless support structures and poles in the surrounding vicinity as agreed upon by the applicant and City, or determined by the City where agreement cannot be reached;

c) as functional streetlights as the City may require, in its reasonable discretion;

d) in alignment with existing trees, wireless support structures, utility poles, and streetlights;

e) an equal distance between trees when possible, with a minimum of 15 feet of separation such that no proposed disturbance shall occur within the critical root zone of any tree;

- f) with appropriate clearance from existing utilities;
 - g) outside of a 20-foot equipment clear zone (for base cabinets less than 18 inches in diameter) or 30-foot clear sight triangle (for base cabinets equal to or greater than 18-inches in diameter) at intersection corners;
 - h) so as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level;
 - i) so as not to significantly create a new obstruction to property sight lines;
 - j) at shared property lines if feasible;
 - k) not within 50 feet of the apron of a fire station or other emergency service responder facility.
- 2) Replacement of city-owned support structures: Any replaced wireless support structures shall remain in their existing location unless otherwise permitted by the city. Replacement pole height shall not exceed 50 feet, or the height of the existing utility pole or wireless support structure, whichever is greater.
- 3) Obstructions: Any new wireless support structure or other facilities associated with a new or existing wireless support structure must not obstruct access to:
- a) any existing above-ground or underground right-of-way user facilities, or public facilities;
 - b) any public infrastructure for traffic control, streetlight or public transportation purposes, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
 - c) any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop (including, without limitation, bus stops, streetcar stops, and bike share stations);
 - d) fire hydrants;
 - e) any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right-of-way; or

f) any fire escapes.


Section 3. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 4. This ordinance is effective 30 days after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 15, 2019.


Brad Wiersum, Mayor

Attest:

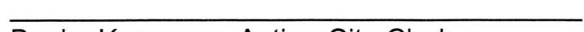

Becky Koosman, Acting City Clerk

Action on this Ordinance:

Date of introduction:	April 1, 2019
Date of adoption:	April 15, 2019
Motion for adoption:	Ellingson
Seconded by:	Calvert
Voted in favor of:	Schack-Carter-Happe-Bergstedt-Ellingson-Calvert-Wiersum
Voted against:	None
Abstained:	None
Absent:	None
Ordinance adopted.	

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on April 15, 2019.


Becky Koosman, Acting City Clerk

The ~~stricken~~ language is deleted; the underlined language is inserted.

City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Notice of Adoption of Ordinance No. 2019-11

To whom it may concern:

Notice is hereby given that on April 15, 2019, the Minnetonka City Council adopted Ordinance No. 2019-11, An Ordinance amending Section 1120 of the Minnetonka City Code, relating to small wireless facilities; amending Section 1120.062; adding a new Section 1120.063 ("the Ordinance"). The Ordinance incorporates into the city code previously-established and published aesthetic standards for small wireless facilities in public right of way.

A full copy of the Ordinance is available on the city's website (www.eminnetonka.com) and may be viewed during regular office hours at the city clerk's office in city hall. A copy may also be obtained by standard or electronic mail.



Becky Koosman, Acting City Clerk